IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 29597 of 2007(S)

OA.879/2004 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
.....

PETITIONERS:
----

1. **UNION OF INDIA,**
   REP. BY CHAIRMAN, RAILWAY BOARD, NEW DELHI.

2. **DIVISIONAL PERSONNEL OFFICER,**
   S. RLY, MADURAI.

3. **SENIOR DIVISIONAL FINANCE MANAGER,**
   S. RLY. MADURAI.

4. **GENERAL MANAGER,**
   S. RLY, CHENNAI-3.

BY ADV. SRI.C.N.RADHAKRISHNAN, SR.PANEL COUNSEL

RESPONDENTS:
----

1. **ALL INDIA STATION MASTERS ASSOCIATION,**
   PALANI BRANCH THROUGH SHRI T.A.PILLAI(RTD.STATION MASTER), WATTIYAR, PALAKKAD DISTRICT,PIN-678567.

2. **SHRI C.R. SATHYAPAL,**
   STATION MASTER, S.RLY., JANANI AMRITHA NAGAR, PALAKKAD DISTRICT, PIN-678001.

3. **CENTRAL ADMINISTRATIVE TRIBUNAL,**
   REP. BY REGISTRAR, KALOOR, ERNAKULAM-17.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29597 of 2007-S

Judgment

Balakrishnan Nair, J.

The petitioners are the respondents in OA No.879/04. It was filed by respondents 1 and 2 herein. The dispute that arose for the decision of the CAT was regarding the computation of a day's wages. Normally, the wages earned in an year were divided by 365 and a day's wages were arrived at. Productivity Linked Bonus Scheme was introduced for the Railway employees on 08.09.1980. The above said formula of dividing the total wages of a year by 365 was followed all along, for arriving at the wages of a day irrespective of whether the year was an ordinary year or a leap year. But, for the year 2003-04, the Railways unanimously changed the formula and one year's wages were divided by 366 to arrive at a day's wages. As a result, there was a reduction of Rs.13 per head in the bonus paid to the employees. The above modification was made after the actual payment of the bonus for the said year and therefore, instructions were issued to recover the said amount from the employees. Respondents 1 and 2 challenged the said decision before the

CAT. The CAT found that the scheme was introduced in 1980, which was a leap year. All along, the same formula was being followed and it was sought to be changed for the first time, during the year 2003-04. The CAT took the view that the said steps taken by the Railways were unwarranted. It also held that an year, in general, should be taken as consisting of 365 days. In support of that view, reliance was placed on some decisions of the Apex Court also.

2. The respondents in the OA challenge the said order of the CAT, which is produced as Ext.P3 in this Writ Petition. We find that the view taken by the CAT is a plausible view on the facts and materials before it. This Court cannot interfere with the same under Article 226/227 of the Constitution of India. Accordingly, the challenge against Ext.P3 fails and the Writ Petition is dismissed. The learned counsel for the Railways prayed that the dismissal of the Writ Petition may not affect the powers of the Railways to appropriately modify the Productivity Linked Bonus Scheme. We are of the view that the decision of the CAT Ext.P3 or the dismissal of this Writ Petition, challenging the same, cannot affect the powers,

if any, of the Railways to appropriately modify the bonus scheme.

K.BALAKRISHNAN NAIR,JUDGE

25.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta